

Serial No. 10/092,162
Docket No. GOW 0091 PA/40329.111

Remarks

Claims 1-13 are pending in this application. The Examiner rejected all claims under 35 U.S.C. §102(e) as being anticipated by Levitt (U.S. publication US2002/0151327). Applicants respectfully assert that the §102(e) rejection should be removed in light of the following remarks. No new matter has been entered.

The Levitt reference does not anticipate the claimed invention because Levitt fails to teach or suggest all elements of the claimed invention as amended. According to MPEP 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)."

Independent claim 1 recites, *inter alia*, a system of provisioning electronic field guides comprising a portable computing device being operable to present a listing of multiple data items and respond to a selection of one of the downloaded multiple data items by playing the corresponding multimedia data file on the portable computing device. Similarly, independent claim 2 recites, *inter alia*, a method for provisioning electronic field guides wherein the portable computing device operable to play multimedia content on the portable computing device to the end user. Further, independent claim 10 recites, *inter alia*, a portable electronic field guide comprising a display means on said portable electronic field guide for displaying a digital video or picture image and a speaker means for audibly reproducing a digital audio data file, wherein said portable field guide is configured to play said digital video or picture image on said display means of said portable field guide. Finally, independent claim 13 recites, *inter alia*, a portable electronic field guide for bird watching comprising a visual display configured to display a digital image of a bird, and a speaker for audibly reproducing a digital audio data file of a bird, wherein said portable electronic field guide is configured to play said digital image and said digital audio data file of a bird on said portable electronic field guide.

Levitt does not teach, expressly or inherently, all the elements of the claims. Specifically, Levitt fails to teach a portable handheld device operable to play multimedia data files or multimedia content on the portable handheld device to the end user, as recited in claims 1 and 2 respectively, and also fails to teach a portable handheld device with a display means on the portable handheld device operable to display digital video or picture images, wherein the

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portable field guide is configured to play the digital video or picture image on the display means of the portable field guide as recited in claim 10. Moreover, Levitt fails to teach a portable electronic field guide for bird watching configured to play the digital image and audio data file of a bird on the portable electronic field guide as recited in claim 13. Levitt is cited for teaching a system for adapting a personal computing device, such as a handheld PDA to enable a user to enact and review choices through wireless control of media playing devices. (Abstract) The examiner further cites Levitt for teaching that the interface of the handheld unit may control content choices in different playback and communication devices, including audio muting, pausing, selection of content from directories, surfing among elements in a list. (page 3, ¶ 20). Levitt is also cited for teaching that the handheld unit may be personalized for the user by displaying prioritized tags for items in a list, such that tagged items are displayed as higher priority items in the list. (Page 7, ¶ 86). In essence, the Levitt handheld unit may display prioritized lists of multimedia content, and act as a remote for separate entertainment devices, such as a television or stereo, by controlling what multimedia files are displayed on the separate TV or stereo, controlling the volume at which the files are displayed, etc. However, Levitt does not teach that the handheld is operable to play the multimedia data file or content to the user on the handheld device itself as recited in claims 1 and 2. As a result, claims 1 and 2 and its dependent claims are not anticipated by the Levitt reference.

Similarly, Levitt does not teach or suggest all elements of claims 10. The Levitt handheld unit does not teach a display means on the portable electronic field guide for displaying digital video and picture images (claim 10), wherein the portable field guide is configured to play the digital video and picture image on the display means of the portable field guide. As shown in Fig. 3, the Levitt handheld device solely displays text based lists of multimedia content, but fails to teach that the handheld device is operable to display digital video or picture images corresponding to the items in the list actually on the portable handheld device's display unit. As stated above, the Levitt handheld device requires a separate device, such as a television, to display digital images. Levitt handheld device only displays digital text. Accordingly, Levitt does not anticipate claim 10.

Additionally, Levitt fails to teach an electronic field guide for bird watching. As set forth above, claim 13 recites a portable field guide with a visual display on the portable field guide

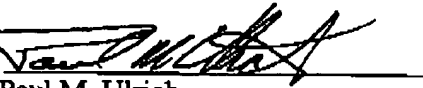
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configured to display a digital image of a bird and a speaker means for audibly reproducing digital audio file of a bird. The Examiner points to paragraph 2 of Levitt, but paragraph 2 and the rest of Levitt are completely silent as to its handheld program guide being capable of playing digital images or audio data files for a bird actually on the handheld program guide. It only teaches the handheld program guide being capable of controlling (i.e., turning on) separate devices (e.g., television or stereo). Thus, the Levitt reference fails to teach an electronic field guide for bird watching as recited in claim 13. Moreover, Levitt is cited for controlling volume settings an entertainment device, such as a stereo; however, the Levitt fails to teach that the handheld unit itself comprises a speaker means of audibly reproducing the digital audio file as recited in claims 10 and 13. Accordingly, independent claims 1, 2, 10, and 13, and its dependent claims thereon, are not anticipated by the Levitt reference, thus the § 102(e) rejection should be removed.

The Applicants respectfully submit that, in view of the above remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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